

NOT FOR PUBLICATION

DEC 10 2007

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

TERRENCE BROWNLEE,

Plaintiff - Appellant,

v.

J. STOCKER; et al.,

Defendants - Appellees.

No. 06-16159

D.C. No. CV-04-00623-  
MCE/DAD

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Morrison C. England, District Judge, Presiding

Submitted December 3, 2007\*\*

Before: GOODWIN, WALLACE, and FISHER, Circuit Judges.

Terrence Brownlee, a California state prisoner, appeals pro se from the district court's order dismissing his 42 U.S.C. § 1983 action alleging the defendants acted with deliberate indifference to his medical needs. We have

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo the district court's dismissal for failure to state a claim, *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000), and we affirm.

The district court properly concluded that Brownlee's second amended complaint did not adequately allege deliberate indifference to his serious medical needs. *See Toguchi v. Chung*, 391 F.3d 1051, 1057-60 (9th Cir. 2004).

Brownlee's complaint demonstrates that he received numerous medical examinations, follow-up appointments, further testing, and various courses of treatment for his complaints of back pain. Brownlee's disagreement with the course of treatment does not give rise to a section 1983 claim. *See id.* at 1059-60.

The district court did not abuse its discretion in denying Brownlee's motion for appointment of counsel because Brownlee failed to demonstrate exceptional circumstances. *See Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991).

Brownlee's request for judicial notice is denied.

**AFFIRMED.**